

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FELIX SUMMERS  
[GW-9085]

CIVIL ACTION

v.

JOHN E. WETZEL, et al.

NO. 13-3561

**ORDER**

AND NOW, this 13<sup>th</sup> day of JANUARY, 2014, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.
2. Respondent's Motion for Permission to File Out of Time [Document 7] is **GRANTED**.
3. The Petition for Writ of Habeas Corpus is placed in suspense until the conclusion of the state post-conviction proceedings.
4. Summers shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated and his petition will be dismissed without prejudice.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
JOEL H. SLOMSKY, J.